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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/452,043	11/30/1999	TED F. RABENKO	36158/NEC/B6	9799	
23363 7	7590 05/12/2003				
-	PARKER & HALE, LLP		EXAMINER		
SUITE 500	OLORADO BOULEVARD		YAO, KWANG BIN		
PASADENA, CA 91105			ART UNIT	PAPER NUMBER	
			2664	<u> </u>	
			. DATE MAILED: 05/12/2003	S	

Please find below and/or attached an Office communication concerning this application or proceeding.

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•		Application No.	Applicant(s)				
Office Action Summary		09/452,043	RABENKO ET AL.	\bigcup_{k}			
		Examiner	Art Unit				
		Kwang B. Yao	2664				
	The MAILING DATE of this communication ap						
Period for Reply							
THE I - Exter after - If the - If NO - Failui - Any r	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. Period for reply specified above is less than thirty (30) days, a reput period for reply is specified above, the maximum statutory period reto reply within the set or extended period for reply will, by statution period by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a sly within the statutory minimum of thi will apply and will expire SIX (6) MOI e, cause the application to become A	reply be timely filed rty (30) days will be considered timely. NTHS from the mailing date of this communic BANDONED (35 U.S.C. § 133).	cation.			
1)[Responsive to communication(s) filed on 30	November 1999					
2a)□		his action is non-final.					
3)□	,—		atters, prosecution as to the me	rits is			
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims							
4)⊠	Claim(s) 1-136 is/are pending in the application	on.					
4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	Claim(s) is/are allowed.						
6)□	6)☐ Claim(s) is/are rejected.						
7)	7) Claim(s) is/are objected to.						
8) Claim(s) 1-136 are subject to restriction and/or election requirement.							
· · ·	on Papers						
•	The specification is objected to by the Examine		the Every's an				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.							
12) The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some * c) None of:							
1. ☐ Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).							
 a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. 							
Attachmen	•						
2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)				

Application/Control Number: 09/452,043

Art Unit: 2664

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-35, 68-103, 136 drawn to Group I, classified in class 370, subclass 463.
 - II. Claims 36-54, 104-122, drawn to Group III, classified in class 370, subclass 428.
- III. Claims 55-67, 123-135, drawn to Group IV, classified in class 370, subclass 362. The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed, because a combination as claimed does not set forth the details of the subcombination as separately claimed and the subcombination has separate utility. The subcombination has separate utility such as the followings: Group I does not specifically claim the detailed features of packet buffering, VLAN, etc. in Group II; and detailed features of CPU, DMA, TDM, MII, etc. in Group III.
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/452,043

Art Unit: 2664

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the 4. inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the 5. examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KWANG BIN YAO

Page 3